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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,559	10/19/2000	James A. Wiemer	26011-9176-00	5866
26371	7590	03/09/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			RESAN, STEVAN A	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,559

Applicant(s)

WIEMER, JAMES A.

Examiner

Stevan A. Resan

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 44-83 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 44-83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "rigid" and "stiff" in claims 44, 55, 67, 75, and 79 are relative terms which render the claims indefinite. The terms "rigid" and "stiff" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "discrete" in "discrete strips" and "discrete adhesive strips" in claims 44, 55, 67, 75, and 79 are deemed indefinite as there is no definition in the specification of a "discrete strip" or "discrete adhesive strip". The examiner notes applicants definition of "strip" in the specification at page 4 lines 15-17.

The term "grid of apertures" in claims 57, 69, is deemed indefinite as it has no definition in the specification. It appears, however, that "a grid of cut-outs" has support.

It is not clear what encompasses a "magnetic mounting surface ". Clarification is requested if prosecution is continued.

There is no antecedent basis for "frame" in claims 44, 47, 48, 75, and 76.

There is no antecedent basis for "graphics sheet" in claims 67 and 68.

The remaining dependent claims are rejected for depending from claims rejected under 35 USC 112.

3. Claims 44,45,55,57,58,63,75,76 are rejected under 35 U.S.C. 102(b) as being anticipated by Ebner US 3,965,599.

See abstract, Figures 1,3,6, Col 2 lines 1-28, Col 3 lines 38-Col 4 line 15, Col 5 lines 24-33.

4. Claims 46-48, 50-54,56, 59, 60, 62, 64-70, 72-74 77- 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebner US 3,965,599 in view of Holtz US 3,093,919 and further Deetz US 5843379 and Buckley US 5,286,415 .

Ebner was described above. Ebner does not disclose silk screening a magnetic receptive material. However Holtz '919 discloses an apparatus for the display of information comprising a graphics sheet which may have a visual display layer, a magnetic receptive material applied to the rear surface of the sheet, and a base comprising a magnetic mounting surface. (Figures 1-4, Col 1 line 69-Col 2 line 47, Col 3 lines 36-66). The magnetic layer may be sieve printed on one side. (Sieve printing is broadly interpreted as screen printing. Silk screening is an art recognized generic term used for screen-printing in the printing arts.) Holtz '919 do not disclose a magnetic material comprising graphite powder mixed in a fluid carrier material, nor a magnetic material applied to the rear surface of an adhesive strip applied to a graphics sheet. However Deetz discloses magnetic paint or ink comprising ferromagnetic particles dispersed as a slurry in a clear carrier material (I.e. polymer and liquids such as polymer solvents or water). Deetz discloses the use of the paint or ink to coat wallpaper, contact paper (which inherently has an adhesive layer on one side), or printed stock for game boards Col 3 line 65-Col 4 line 3, Col 4 lines 44-62. It would therefore have been

obvious to one of ordinary skill in the art to use the ink of Deetz for the screen printed layer of Holtz '919 since Deetz suggests its use for this purpose (Col 6 lines 49-56; Col 6 line 65-Col 7 line 28). Buckley et al teaches the addition of graphite to screen printing inks in order to produce highly printable conductive inks (Col 1 lines 66-68). Therefore it would have been obvious to one of ordinary skill in the art to add graphite to the ink of Deetz when the ink was to be applied to polymeric substrates that are notorious for static buildup such as polyethylene terephthalate (e.g. MYLAR) .

5. Claims 49,61,71,83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebner US 3,965,599 in view of Holtz US 3,093,919, Deetz and Buckley et al as applied to claims 44, 55, 67, 79 above, and further in view of Sano et al 4,663, 874.

Ebner US 3,965,599 in view of Holtz US 3,093,919, Deetz and Buckley et al do not disclose a magnetic composition containing Barium Ferrite. However Sano et al teach an apparatus for the display of information in which a magnetic layer contains Barium Ferrite. (Col 1 line 64-Col 2 line 9). Therefore, it would have been obvious to one of ordinary skill in the art to use Barium Ferrite as taught by Sano et al in the magnetic layer of Holtz '919 in view of Deetz and Buckley motivated by the desire to reduce cost and increase corrosion resistance of the magnetic layer.

(The examiner notes that in the present specification the inventor sets forth that silk screening had not previously been used to apply magnetically receptive material onto a graphics display. However both Holtz '919 and Holtz '756 teach this method and the resulting product.)

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holson US 3786584 is cited for teaching a display system comprising a graphics sheet attached to a flexible plastic containing particles capable of retaining a magnetic charge by a double faced tape. The graphics sheet is displayed on a metallic plate.

Fritts US 3987567 is cited for teaching a display system comprising a flexible plastic sheet with at least two flexible magnetic strips secured to the back of the sheet and registered with a magnetically responsive signboard.

Feingold US 4177305 is cited for teaching a display system in which a decorative surface of a flexible sheet is magnetically attached to a picture support assembly (Figs 1, 8, Col 7 lines 56- Col 8 line 12).

7. The examiner has reviewed the declaration submitted under 37 CFR 1.132 . However the products commercially available, and which have met commercial success which are the subject of the declaration appear to be more narrow embodiments than presently claimed. Applicants are requested to clarify this if prosecution is continued.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is 571-272-1513. The examiner can normally be reached on Tues-Thurs from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached at 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEVAN A. RESAN
PRIMARY EXAMINER